

# EXHIBIT 10

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division  
In Admiralty**

In the Matter of COEYMANS MARINE TOWING, LLC D/B/A CARVER MARINE TOWING as Owner and Operator of M/T Mackenzie Rose, (IMO No. 8968765) her cargo, engines, boilers, tackle, equipment, apparel, and appurtenances, etc., *in rem*, petitioning for Exoneration from or Limitation of Liability in allision with Norfolk and Portsmouth Belt Line Railroad Company Main Line Railroad Bridge occurring June 15, 2024 in and about the Elizabeth River, Virginia.

**Civil Action No: 2:24-cv-00490**

**PETITIONER’S OBJECTIONS TO NPBL’S RULE 30(B)(6) TOPICS**

Petitioner Coeymans Marine Towing, LLC d/b/a Carver Marine Towing (“Carver”), for its objections to Claimant Norfolk and Portsmouth Belt Line Railroad Company’s (“Belt Line”) Amended Notice of Deposition pursuant to Federal Rule of Civil Procedure 30(b)(6) served on June 10, 2025, states as follows:

**Deposition Topics**

1. Carver’s answers to NPBL’s interrogatories.
2. Carver’s responses to NPBL’s requests for production of documents.
3. The corporate structure and ownership of Coeymans Marine Towing, LLC d/b/a Carver Marine Towing, Inc.
4. Carver’s ownership of the Vessel.
5. Mortgages on the Vessel.
6. Value of the Vessel.
7. Freight, towage or hire received or owed for the service of the Vessel at the time of the Incident.

8. Seaworthiness of the Vessel at the time of the Incident.

**Objection:** This topic calls for a legal conclusion and interpretation of the legal concept of “seaworthiness” which is the ultimate issue in the case, and is thus improper for a fact discovery deposition.

9. The operation, course and speed of the Vessel on the date of the Incident.

**Objection:** This topic seeks information and testimony already offered by Carver’s General Manager and Port Captain, as well as the Crew who were on board the vessel at the time of the incident. It is also duplicative of the logs, voyage data, and other information produced in discovery which are the best evidence of the facts relating to this topic. In addition, this information is best obtained from the upcoming deposition of James Morrissey, the mate on watch at the time of the incident.

10. The crew on board the Vessel on the date of the Incident.

11. The training Carver provided for the crew of the Vessel.

12. Communications by and between the Vessel and its crew members with and among Carver’s shore personnel (including Leonard Baldassare, Brian Moore and Nick Laraway) following the Incident, whether by text, SMS, email, phone, video or in person.

**Objection:** The Belt Line has already deposed Carver’s General Manager, Port Captain, as well as the Crew Members on board the vessel and the Belt Line is in possession of e-mails, messages, and other communications relating to the incident and Carver’s response to it. Subject to its objections, Subject to its objections, Carver will produce a representative to testify as to the subject matter of No. 12.

13. Carver’s protocols and procedures for reporting allisions in place at the time of the Incident.

14. Carver’s Safety Management System that was in effect at the time of the Incident.

15. Damage to the Vessel resulting from the Incident.

16. Damage to the Barge resulting from the Incident.

17. Charter or hire of the Barge by Carver.

18. All repairs made to the Vessel as a result of the Incident.

19. All repairs made to the Barge as a result of the Incident.

20. All repairs made to the navigation, steering, or autopilot systems of the Vessel during the five (5) year period before the Incident.

**Objection:** **The Belt Line has already deposed Carver's General Manager, Port Captain, and the Crew Members on board the vessel and is in possession of logs, reports, invoices, and other documents relating to repairs referenced in this topic. Subject to its objections, Carver will produce a representative to testify as to the subject matter of No. 20.**

21. All disciplinary or employment action taken against members of the crew of the Vessel, including James Morrissey and Christopher Miller.

22. All actions taken by Carver as a result of the Incident.

**Objection:** **This topic is vague, ambiguous, and overly broad and is therefore improper. Carver further objects to testifying regarding any remedial actions until the conclusion of the Coast Guard's investigation. Subject to its objections, Carver will produce a representative to testify as to the subject matter of No. 22.**

23. All reasons why Carver did not notify the U.S. Coast Guard on June 15, 2024 of the Incident.

**Objection:** **This topic assumes facts not in evidence. Moreover, Carver was fully in compliance with SMS 8.8F based on the information available to the company on June 15, 2024.**

24. All reasons why Carver did not notify the Norfolk and Portsmouth Belt Line Railroad on June 15, 2024.

**Objection:** **This topic assumes facts not in evidence. Moreover, Carver was fully in compliance with SMS 8.8F based on the information available to the company on June 15, 2024.**

Dated: June 12, 2025

Respectfully submitted,

**CLYDE & CO US LLP**

By: /s/ Harold L. Cohen  
Harold L. Cohen, Esq.  
VSB No.: 98148  
1221 Brickell Avenue, Ste. 1600  
Miami, Florida 33131

James H. Rodgers, Esq., *Pro Hac Vice*  
CLYDE & CO US LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174  
Tel No.: (212) 702-6771  
Fax No.: (212) 710-3950  
Email: james.rodgers@clydeco.us

Michael H. Roman, Esq. *Pro Hac Vice*  
Dawn L. Johnson Esq., *Pro Hac Vice*  
30 S. Wacker Drive, Ste. 2600  
Chicago, IL 60606  
Dawn L. Johnson, Esq.  
Pro Hac Vice Forthcoming  
Tel: (312) 635-6971  
Fax: (312) 635-6950  
Email: Michael.roman@clydeco.us;  
Dawn.johnson@clydeco.us  
***Attorneys For Coeymans Marine Towing,  
LLC D/B/A Carver Marine Towing***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of June 2025, I served the foregoing by electronic mail on the following:

Mark C. Nanavati, Esq. (VSB No.: 38709)  
G. Christopher Jones, Jr., Esq. (VSB No.: 82260)  
SINNOT, NUCKOLS & LOGAN, P.C.  
13811 Village Mill Drive  
Midlothian, Virginia 23114  
(804) 893-3866 (Nanavati)  
(804) 893-3862 (Jones)  
(804) 378-2610 (Facsimile)  
[mnanavati@snllaw.com](mailto:mnanavati@snllaw.com)  
[cjones@snllaw.com](mailto:cjones@snllaw.com)  
*Counsel for Evanston Insurance Company a/s/o  
Norfolk and Portsmouth Belt Line Railroad Company*

James L. Chapman, IV, VSB No. 21983  
W. Ryan Snow, VSB No. 47423  
Mackenzie R. Pensyl VSB No. 100012  
CRENSHAW, WARE & MARTIN, P.L.C.  
150 W. Main Street, Suite 1923  
Norfolk, Virginia 23510  
Telephone (757) 623-3000  
Facsimile: (757) 623-5735  
[jchapman@cwm-law.com](mailto:jchapman@cwm-law.com)  
[wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com)  
[mpensyl@cwm-law.com](mailto:mpensyl@cwm-law.com)  
*Attorneys for Norfolk and Portsmouth Belt  
Line Railroad Company*

Zachary M. Jett, Esq. (VSB #93285)  
BUTLER WEIHMULLER KATZ, et al  
11525 North Community House Road  
Suite 300  
Charlotte, North Carolina 28277  
(704) 543-2321 (Telephone)  
(704) 543-2324 (Facsimile)  
[zjett@butler.legal](mailto:zjett@butler.legal)  
*Counsel for Evanston Insurance Company,  
a/s/o Norfolk and Portsmouth Belt Line  
Railroad Company*

/s/ Harold L. Cohen  
Harold L. Cohen, Esq.